



IFW

PATENT
Customer No. 22,852
Attorney Docket No. 08790.0012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
John P. DONOGHUE et al.) Group Art Unit: 3762
)
Application No.: 10/798,919) Examiner: M. Kahelin
)
Filed: March 12, 2004)
)
For: NEUROLOGICAL EVENT) Confirmation No.: 7030
)
MONITORING AND THERAPY)
)
SYSTEMS AND RELATED)
)
METHODS)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated October 11, 2005, the Examiner required
restriction under 35 U.S.C. § 121 between:

- Group I: Claims 1-126, allegedly drawn to a system and method for predicting a neurological event;
- Group II: Claims 127-137, allegedly drawn to a system for detecting a neurological event;
- Group III: Claims 138-145, allegedly drawn to a device for placing an implant;
- Group IV: Claims 146-149, allegedly drawn to a system for detecting an undesired activity; and
- Group V: Claims 150 and 151, allegedly drawn to a system for detecting and treating a neurological event.

In addition, upon election of Group I, the Examiner required an election of a single species from each of the following groups:

- a. one species of detection means from: ECoG detecting means; EEG detecting means, DC potential detecting means, light detecting means, and acoustic detecting means;
- b. one species of sensor from: movement sensor; pressure sensor; temperature sensor; and magnetic resonance sensor;
- c. one species of warning signal from: warning that a neurological event is about to occur; time remaining until the event occurs; occurrence probability; severity of event; current condition; instructions; and stimulation signals; and
- d. one species of therapy from: electrical stimulation therapy; hyperpolarization therapy; and drug therapy.

Although Applicants do not necessarily agree with the Examiner's characterizations concerning various exemplary embodiments, Applicants provisionally elect, with traverse, to prosecute Group I (i.e., claims 1-126) and the following alleged species:

- a. ECoG detecting means;
- b. movement sensor;
- c. warning that a neurological event is about to occur; and
- d. electrical stimulation therapy.

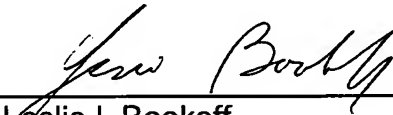
Applicants respectfully submit that at least claims 1-15, 20-22, 26-39, 48-50, 54-77, 82-84, 88-99, 105-111, and 115-126 appear to read on elected Group I and the elected species.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 10, 2005

By: 
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